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*Attorneys for Plaintiff FamilyCare, Inc.*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

FAMILYCARE, INC., an Oregon non-profit  
corporation,

Plaintiff,

v.

OREGON HEALTH AUTHORITY, an  
agency of the State of Oregon, and LYNNE  
SAXTON,

Defendants.

Case No. 6:18-cv-00296-MO

**PLAINTIFF'S ITEMIZED LIST  
OF DAMAGES**

**PLAINTIFF'S ITEMIZED LIST OF DAMAGES**

Pursuant to Paragraph 4(e) of the Amended Trial Management Order (ECF No. 503), Plaintiff FamilyCare, Inc. (“FamilyCare”) provides notice of its intent to seek the following damages for its claims against OHA and Lynne Saxton (“Defendants”)<sup>1</sup>:

- Loss of Medicaid capitation rate revenue;
- Loss of the projected net surpluses that FamilyCare would have experienced in 2018 and 2019 but for OHA and Saxton’s wrongful conduct; and
- Diminution of FamilyCare’s net assets.

FamilyCare will prove these damages through the fact witness testimony of Bill Murray and Kevin Clancy; the expert testimony of Peter Davidson, FSA, MAAA (PricewaterhouseCoopers); Jay Sickler, CPA, CFF, ABV, ASA (Cogence Group); and Jeffrey Tarbell, ASA, CFA (Houlihan Lokey); and the exhibits appended to, or cited in, any of the reports of Messrs. Davidson, Sickler, and Tarbell. FamilyCare has already put Defendants on notice of FamilyCare’s damages through, among other things, service on Defendants of these expert reports and associated exhibits.

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<sup>1</sup> FamilyCare claims general (i.e., direct) rather than special (i.e., consequential) damages in this case, so it is unclear whether the Amended Trial Management Order requires the instant filing. FamilyCare identifies herein the bases of its damages out of an abundance of caution. By doing so, FamilyCare does not intend to suggest that its damages are special/consequential in nature.

DATED: March 14, 2022.

**PERKINS COIE LLP**

By: /s/ Matthew P. Gordon

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